

CL00L0064- DIANNE C. MITCHELL

CLAIM OF: MARGARET A. BARKLEY,

through her insurance carrier,

West Bend Mutual Insurance Company

1900 South 18th Avenue

West Bend, WI 53095

For damages alleged to have been sustained
as a result of a vehicular accident on August
30, 1999 at 1765 Meadowdale Avenue.

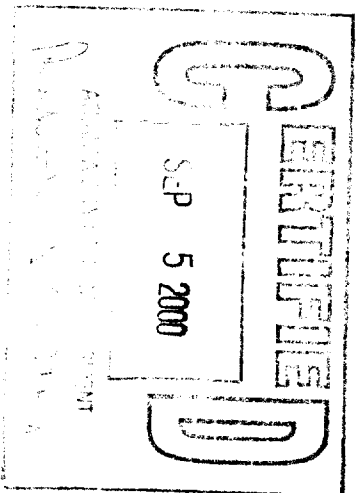
THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell

ROSALIND RUBENS NEWELL

DEPUTY CITY ATTORNEY

CONSENT AGENDA



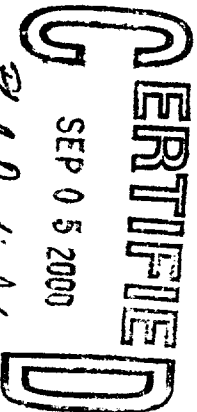
COMM. Public Safety

8/15/2000

C. J. Martin

Margaret A. Barkley

West Bend Mutual Insurance Company



Rod Douglas Johnson
MUNICIPAL CLERK

ADVERSE REPORT
CITY COMMISSIONER
SEP 05 2000



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 18, 2000

West Bend Mutual Ins, Co.
Insurance carrier
Attn: Tess Sebeny
1900 South 18th Avenue
West Bend, WI 53095

00-R-1247

RE: Margaret A. Barkley

Dear Ms. Sebeny:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0064

Date: July 28, 2000

Claimant /Victim MARGARET A. BARKLEY
BY: (Ins. Co.) West Bend Mutual Insurance Company
Address: 1900 South 18th Avenue, West Bend, WI 53095
Subrogation: X Claim for Property damage \$ 1,723.45 Bodily Injury \$ _____
Date of Notice: 01/12/00 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/30/99 Place: 1765 Homestead Avenue
Department Public Works Division: Solid Waste Services
Employee involved Eric Bernard West Disciplinary Action: No Longer Employed

NATURE OF CLAIM: The driver of the City vehicle backed into the claimant's vehicle causing damages in the above amount. However, the claimant's insurance carrier has rejected the City's settlement offer.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver X Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected X Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: Dianne C. Mitchell Concur/date 07-28-00
Committee Action: Adverse to CC on 9/5/00 Council Action _____



Reeves
[Signature]
01/12/00
[Signature]

Workers' Compensation and Legal Departments (414)334-6430 • Property and Liability Claim Departments (414)334-6429
12-16-1999

ENTERED - 2-7-00 - SB
00L0064 - MIKE REEVES

CC: 99L0657
MR

COUNCIL OF THE CITY OF ATLANTA
55 TRINITY AVE S W CITY HALL
ATLANTA GA 30335

OUR CLAIM #: HHW 5338636 TS
DATE OF LOSS: 8-30-1999
OUR INSURED: MARTARET A BARKLEY
OUR DRIVER: HILARY WAINER
YOUR CLAIM OR POLICY #: UNKNOWN
YOUR DRIVER: ERIC WEST
YOUR INSURED: CITY OF ATLANTA SANITATION DEPT
LOCATION: CITY OF ATLANTA

— Under a policy of insurance carried with us by the above named insured, WEST BEND MUTUAL may be called upon to pay for loss and damage to property as a result of the accident described above.

XX Under a policy of insurance carried with us by the above named insured, WEST BEND MUTUAL has paid \$1723.45 for loss and damage as a result of the accident described above.

— The total damages were \$
We have made an additional payment of \$ _____ for _____

— On _____ we notified you of our subrogation interest in the above matter. To date we have had no response from you. **Please advise the status of our claim.** Should you not respond, we will assume you wish for us to put this matter into arbitration and/or suit.

Any investigation indicates that this damage was caused as a result of your insured's negligence. Under the terms of our policy, we are subrogated to the extent of our payment to any legal right which our insured has against you, and we hereby claim a lien on any proceeds that may be paid by way of settlement or judgment on said claim.

[Signature]
TESS SEBENY/ST
CLAIMS REPRESENTATIVE

WB-1285.clm

00- -1247

RCS# 2194
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS:	13	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	3	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Woolard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1102 2. 00-O-1143 3. 00-O-1207 4. 00-O-1295 5. 00-O-1303 6. 00-O-1313 7. 00-O-1124 8. 00-O-1125 9. 00-O-1126 10. 00-O-1127 11. 00-O-1128 12. 00-O-1133 13. 00-O-1196 14. 00-O-1298 15. 00-O-1122 16. 00-O-1300 17. 00-R-1198 18. 00-R-1230 19. 00-R-1290 20. 00-R-1312 21. 00-R-1316 22. 00-R-1265 23. 00-R-1266 24. 00-R-1267 25. 00-R-1268 26. 00-R-1270 27. 00-R-1314 28. 00-R-1229 29. 00-R-1233 30. 00-R-0886 31. 00-R-1236 32. 00-R-1237 33. 00-R-1238 34. 00-R-1239 35. 00-R-1240 36. 00-R-0241 37. 00-R-1242 38. 00-R-1243 39. 00-R-1244	40. 00-R-1235 41. 00-R-1245 42. 00-R-1246 43. 00-R-1247 44. 00-R-1248 45. 00-R-1249 46. 00-R-1250 47. 00-R-1251 48. 00-R-1252 49. 00-R-1253 50. 00-R-1254 51. 00-R-1255 52. 00-R-1256 53. 00-R-1257 54. 00-R-1258 55. 00-R-1259 56. 00-R-1260 57. 00-R-1261 58. 00-R-1262 59. 00-R-1263 60. 00-R-1264